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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KJUS](#) [SF](#)
SUBJECT: SHAIK APPEALS UNANIMOUSLY DISMISSED

REF: A. PRETORIA 4489 AND PREVIOUS

[1](#)B. 05 PRETORIA 2176

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[1](#)1. (SBU) On 6 November, the Supreme Court of Appeal unanimously rejected Schabir Shaik's appeals against his June 2005 fraud and corruption charges, almost guaranteeing that Shaik will begin his 15-year prison term within the next 72 hours. (Note: Shaik was sentenced to 15 years in prison on each of two corruption counts, and another three years for fraud, all of which will be served concurrently.) On 3 November, Shaik told a Johannesburg radio station that he was ready to face jail. Shaik's only remaining option is to appeal to the Constitutional Court, which is unlikely given that no constitutional issue has been raised in any of the legal disputes to date.

[1](#)2. (U) Judge Craig Howie, President of the Court, announced that on the first corruption count which involved a "generally corrupt relationship" with former Deputy President Jacob Zuma, the court found that "in light of the evidence...we find the payments were corrupting money to influence Mr. Zuma to act in conflict with his Constitutional duties and thereby advance Mr. Shaik's and his group's interest." On the second charge of corruption, Judge Howie announced that Shaik's conviction stands since the damaging encrypted fax was in fact admissible. As for the fraud charges, which relate to Shaik's elaborate attempts to hide payments to Zuma, Judge Howie only said that Shaik was correctly convicted. The full text of the Court's judgment is expected to be released shortly.

[1](#)3. (SBU) COMMENT: Shaik's failure to win any of his appeals opens the door for the National Prosecuting Authority to refile corruption charges against Zuma (Ref A). Even if charges are filed in the coming weeks, it is unlikely the trial could commence prior to the High Court's December-January holiday recess. Zuma therefore faces a strong probability that both his corruption trial and the ANC Presidential succession race will unfold simultaneously. END COMMENT.
BOST